

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YIRAN ZHANG,

Plaintiff,

v.

U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendant.

Case No. 2:24-cv-1420-DJC-JDP (PS)

FINDINGS AND RECOMMENDATIONS

On May 20, 2024, plaintiff filed this action his action against defendant U.S. Citizenship and Immigration Services (“USCIS”) and paid the required filing fee. Plaintiff subsequently filed a proof of service, ECF No. 5, and a motion for default judgment, ECF No. 7. Plaintiff’s proof of service failed to demonstrate that defendant USCIS was properly served in accordance with Federal Rule of Civil Procedure 4(i). *See* ECF No. 5. Accordingly, on January 14, 2025, I recommended that plaintiff’s motion for default be denied and ordered plaintiff to show cause, within fourteen days, why this action should not be dismissed for failure to timely serve defendant. ECF No. 10; *see* Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”). I also warned plaintiff that failure to respond to the January 14, 2025 order would result in a recommendation that this action be dismissed. *Id.* at 3.

1 The deadline has passed, and plaintiff has not responded to the court's order or otherwise
2 demonstrated that defendant was timely served.

3 Accordingly, it is hereby RECOMMENDED that:

4 1. This action be DISMISSED without prejudice for failure to timely complete service of
5 process.

6 2. The Clerk of Court be directed to close the case.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
9 service of these findings and recommendations, any party may file written objections with the
10 court and serve a copy on all parties. Any such document should be captioned "Objections to
11 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed
12 within fourteen days of service of the objections. The parties are advised that failure to file
13 objections within the specified time may waive the right to appeal the District Court's order. *See*
14 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
15 1991).

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17 IT IS SO ORDERED.

18 Dated: February 14, 2025

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20 JEREMY D. PETERSON
21 UNITED STATES MAGISTRATE JUDGE
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